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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ANGEL FRALEY; PAUL WANG; SUSAN  
MAINZER; JAMES H. DUVAL, a minor, by  
and through JAMES DUVAL, as Guardian ad  
Litem; and W.T., a minor, by and through  
RUSSELL TAIT, as Guardian ad Litem;  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

FACEBOOK, INC., a corporation; and DOES 1-  
100,

Defendants.

**Case No. CV 11-01726 LHK PSG**

**DECLARATION OF STEVEN R.  
WEINMANN IN SUPPORT OF  
PLAINTIFFS' REPLY TO  
DEFENDANT'S NOTICE OF  
SELECTIVE WITHDRAWAL OF  
CERTAIN DOCUMENTS FROM  
DEFENDANT'S  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL**

Courtroom: 8

Judge: Hon. Lucy H. Koh

Trial Date: December 3, 2012

1 I, STEVEN R. WEINMANN, declare and state as follows:

2 1. I am an attorney licensed to practice before all the courts of the State of California  
3 and I am admitted to practice before this Court. I am an attorney for Plaintiffs in this action. I  
4 have personal knowledge of the facts stated in this declaration, unless otherwise stated, and if  
5 called upon to testify, could and would competently testify thereto. I make this Declaration in  
6 support of Plaintiffs' Reply to Defendant's Notice of Selective Withdrawal of Certain  
7 Documents From its Administrative Motion to File Under Seal, Etc.  
8

9 2. On April 5, 2012 Facebook filed an Administrative Motion to Seal Additional  
10 Documents and Portions of Documents Lodged by Plaintiffs' Motion for Class Certification.  
11 On April 17, 2012, Facebook filed a Notice of Selective Withdrawal of Certain Documents and  
12 Portions of Documents from its Administrative Motion to File Under Seal Documents Lodged  
13 by Plaintiffs in Support of Plaintiffs' Motion for Class Certification ("Selective Withdrawal  
14 Notice"). The Administrative Motion as modified by the Selective Withdrawal Notice, moves  
15 to file the following documents or portions thereof under seal; Plaintiffs oppose filing these  
16 documents under seal. Note, only citations to page and beginning line are made as the motion  
17 and accompanying documents are filed under seal. Unless a specific ending page is noted in  
18 the left-hand column, Plaintiffs' intent was and is to object to the entire highlighted / redacted  
19 area which begins on that page and line. Each of these designations was previously objected to,  
20 with the exception of the two citations as to the minor class representatives, which are in bold  
21 below, and as to which Plaintiffs believe Facebook does not have a protectable interest, as these  
22 statements concern actions by the Plaintiffs on their own personal knowledge. Furthermore,  
23 Facebook also did **not** include these designations in the highlighted, proposed redactions in the  
24  
25  
26

revised list on page 2 of Exhibit A to the Notice of Selective Withdrawal. Nor were the highlighted redactions on page 6 of the Plaintiffs' Memorandum of Law as to lines 14-15, included in Exhibit A. Thus, these redactions in the brief seem to have been highlighted in error, and the text should not be highlighted or redacted as to those three locations.

#### **Plaintiffs' Memorandum of Law**

Location	Plaintiffs' Position
Pg 6:4	<p>Plaintiffs rely on the publicly available information Facebook provides to the general public in documents such as</p> <p><a href="http://ads.ak.facebook.com/ads/FacebookAds/Sponsored_Stories_Guide_042511.pdf">http://ads.ak.facebook.com/ads/FacebookAds/Sponsored_Stories_Guide_042511.pdf</a>;</p> <p><a href="https://www.facebook.com/help/?faq=174979932556240#I-want-to-advertise-on-Facebook">https://www.facebook.com/help/?faq=174979932556240#I-want-to-advertise-on-Facebook</a>;</p> <p><a href="https://www.facebook.com/help/?faq=173594992698822#How-does-the-auction-for-Facebook-Ads-work?">https://www.facebook.com/help/?faq=173594992698822#How-does-the-auction-for-Facebook-Ads-work?</a>;</p> <p><a href="https://www.facebook.com/help/?faq=201828586525529#Do-I-have-to-pay-for-Facebook-Ads-or-Sponsored-Stories?-">https://www.facebook.com/help/?faq=201828586525529#Do-I-have-to-pay-for-Facebook-Ads-or-Sponsored-Stories?-</a></p> <p><a href="https://www.facebook.com/ads/create/">https://www.facebook.com/ads/create/</a>;</p> <p><a href="https://www.facebook.com/help/?faq=200000840044554&amp;ref_query=ad+manager">https://www.facebook.com/help/?faq=200000840044554&amp;ref_query=ad+manager</a>; and</p> <p><a href="https://www.facebook.com/ads/manage">https://www.facebook.com/ads/manage</a>;</p> <p>among others, to show that this is public knowledge.</p>



Pg 6:14	Plaintiffs see nothing confidential about the statement; <u>Facebook has apparently withdrawn its request but not removed the highlighting through inadvertence.</u>
Pg 7:5	Plaintiffs see nothing confidential about the statement.
Pg 7:9-7:15	Plaintiffs did not mark these statements confidential, and Facebook has no right to so mark them as they are based on Plaintiff Duval's own personal knowledge about which Plaintiff chooses to waive any confidentiality. <u>Facebook has apparently withdrawn its request but not removed the highlighting through inadvertence.</u>
Pg 7:15	Plaintiffs see nothing confidential about the statement.
Pg 8:1-8:6	Plaintiffs did not mark these statements confidential, and Facebook has no right to so mark them as they are based on Plaintiff W.T.'s own personal knowledge about which Plaintiff chooses to waive any confidentiality. <u>Facebook has apparently withdrawn its request but not removed the highlighting through inadvertence.</u>
Pg 8:6	Plaintiffs see nothing confidential about the statement.
Pg 8:10	Plaintiffs see nothing confidential about the statement.
Pg 8:14	Plaintiffs see nothing confidential about the statement.

**Expert Declarations**

Location	Plaintiffs' Position
Alberico Pg 3:9	Plaintiffs see nothing confidential about the statement.
Alberico Pg 3:11	Plaintiffs see nothing confidential about the statement.
Alberico Pg 3:12	Plaintiffs see nothing confidential about the statement.
Alberico Pg 3:14	Plaintiffs see nothing confidential about the statement.
Alberico Pg 4:2	Plaintiffs see nothing confidential about the statement.
Alberico Pg 5:2	Plaintiffs see nothing confidential about the statement.
Alberico Pg 6:10	This is based on Plaintiffs' expert Vincent Alberico's opinion and Defendant has not shown good cause to have the statement filed under seal. Plaintiffs continue their objection to the entire paragraph being held confidential, except with respect to the first two clauses of the sentence starting on line 6:10.
Alberico Pg 6:21	This is based on Plaintiffs' expert Vincent Alberico's opinion and does not refer to confidential information.
Alberico Pg 7:1	This is based on Plaintiffs' expert Vincent Alberico's opinion and Defendant has not shown good cause to have the statement filed under seal.
Drogin Pg 2:8	Plaintiffs see nothing confidential about the statement.
Drogin Pg 2:10	Plaintiffs see nothing confidential about the statement.
Drogin Pg 2:13	Plaintiffs see nothing confidential about the statement.

Drogin Pg 2:14	Plaintiffs see nothing confidential about the statement.
Drogin Pg 2:15	Plaintiffs see nothing confidential about the statement.
Drogin Pg 2:19	This is based on Plaintiffs' expert Richard Drogin's opinion and Defendant has not shown good cause to have the statement filed under seal.
Drogin Pg 3:7	Plaintiffs see nothing confidential about the statement.
Drogin Pg 4:3	This is based on Plaintiffs' expert Richard Drogin's opinion and does not refer to confidential information.
Taber Pg 9:17	Defendant has not shown good cause to have the statement filed under seal.
Torres Pg 5:1-5:2	This is based on Plaintiffs' expert Fernando Torres' opinion and Defendant has not shown good cause to have the statement filed under seal.
Torres Pg 5:9	Defendant has not shown good cause to have the statement filed under seal.
Torres Pg 6:14	Defendant has not shown good cause to have the statement filed under seal,.
Torres Pg 6:18	This is based on Plaintiffs' expert Fernando Torres' opinion and Defendant has not shown good cause to have the statement filed under seal, particularly as to footnote 3.
Torres Pg 7:15	This is based on Plaintiffs' expert Fernando Torres' opinion and formula, and Defendant has not shown good cause to have the statement filed under seal; at most only the second clause in the sentence should be redacted.



Torres  
Pg 7:20

This is based on Plaintiffs' expert Fernando Torres' opinion and his formula, and Defendant has not shown good cause to have the statement filed under seal; at most only the first clause in the sentence should be redacted.

3. I declare under the penalty of perjury and under the laws of the United States of America that the foregoing is true and correct and based upon my personal knowledge and that if called upon to testify, I could verify the accuracy of the same. This document was executed in the city of San Francisco, California on April 20, 2012.



Steven R. Weinmann